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**Introduced by Senator Walters**

February 27, 2009

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An act to amend Section 1578 of the Civil Code, relating to contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 770, as introduced, Walters. Contracts: mistake of law.

Existing law provides that the consent of the parties to a contract must be free, and that an apparent consent is not free when obtained through a mistake. Existing law provides that a mistake of law constitutes a mistake under these provisions only when it arises under specified circumstances.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1578 of the Civil Code is amended to  
2     read:  
3     1578. Mistake of law constitutes a mistake, within the meaning  
4     of this ~~Article~~ article, only when it arises from *either of the*  
5     *following*:  
6     ~~1.~~  
7     (a) A misapprehension of the law by all parties, all supposing  
8     that they knew and understood it, and all making substantially the  
9     same mistake as to the ~~law~~; ~~or~~, law.  
10    ~~2.~~

1     (b) A misapprehension of the law by one party, of which the  
2     others are aware at the time of contracting, but which they do not  
3     rectify.

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